IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

Crl.Rev.Pet.No. 1546 of 2006()

CRA.17/2005 of ADDL. SESSIONS COURT (ADHOC), KALPETTA
ST.182/2001 of JUDICIAL MAGISTRATE OF FIRST CLASS, KALPETTA.

REVN. PETITIONER: APPELLANT/ACCUSED:

T.A. MUHAMMED, S/O. MOIDEEN,
THODUMANNIYIL HOUSE, ONIVAYAL, KALPETTA VILLAGE,
VYTHIRI TALUK, KALPETTA POST, WAYANADU DISTRICT.

BY ADV. SRI.A.RAJASIMHAN

RESPONDENTS: RESPONDENTS/COMPLAINANT:

1. N.P. SAIDALAVI,
NELLIKKAPARAMBIL HOUSE,
KOTTANAD POST, MEPPADY.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.S.BIJU (KIZHAKKANELA)
R2 BY PUBLIC PROSECUTOR SRI. KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 24/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

CRL.R.P.NO. 1546 OF 2006

Dated this the 24th day of November,2006

O R D E R

The petitioner was found guilty for the offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for a period of six months and to pay a compensation of Rs.75,000/- to the complainant under Section 357(3) of the Code of Criminal Procedure. On appeal by the accused, the Appellate Court allowed the appeal in part confirming the conviction under Section 138 of the Act and altering and reducing the sentence of imprisonment till the rising of the Court and to pay compensation of Rs.1,00,000/- to the complainant under Section 357(3) of the Code of Criminal Procedure and in default of payment of compensation, to undergo simple imprisonment for three months.

2. Crl.M.A.No.11688 of 2006, signed by the complainant and the accused, was filed under Section 147 of the Negotiable Instruments Act and that application was allowed.

Therefore, the Criminal Revision Petition is allowed, conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

(K.T.SANKARAN)
Judge

ahz/

K.T.SANKARAN, J.

CRL.M.C.NO. OF

O R D E R

September, 2006